

Optional Customer No. Bar Code



00140

PATENT TRADEMARK OFFICE

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COMBINED DECLARATION AND POWER OF ATTORNEY

(ORIGINAL, DESIGN, NATIONAL STAGE OF PCT, SUPPLEMENTAL, DIVISIONAL,  
CONTINUATION, OR C-I-P)

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As a below named inventor, I hereby declare that:

TYPE OF DECLARATION

This declaration is of the following type:

*(check one applicable item below)*

- ☐ original.  
☐ design.

NOTE: *With the exception of a supplemental oath or declaration submitted in a reissue, a supplemental oath or declaration is not treated as an amendment under 37 CFR 1.312 (Amendments after allowance). M.P.E.P. Section 714.16, 7<sup>th</sup> Ed.*

- ☐ supplemental.

NOTE: *If the declaration is for an International Application being filed as a divisional, continuation or continuation-in-part application, do not check next item; check appropriate one of last three items.*

- ☒ national stage of PCT.

NOTE: *If one of the following 3 items apply, then complete and also attach ADDED PAGES FOR DIVISIONAL, CONTINUATION OR C-I-P.*

NOTE: *See 37 C.F.R. Section 1.63(d) (continued prosecution application) for use of a prior nonprovisional application declaration in the continuation or divisional application being filed on behalf of the same or fewer of the inventors named in the prior application.*

- ☐ divisional.  
☐ continuation.

NOTE: *Where an application discloses and claims subject matter not disclosed in the prior application, or a continuation or divisional application names an inventor not named in the prior application, a continuation-in-part application must be filed under 37 C.F.R. Section 1.53(b) (application filing requirements-nonprovisional application).*

- ☐ continuation-in-part (C-I-P).

## INVENTORSHIP IDENTIFICATION

**WARNING:** *If the inventors are each not the inventors of all the claims, an explanation of the facts, including the ownership of all the claims at the time the last claimed invention was made, should be submitted.*

My residence, post office address and citizenship are as stated below, next to my name. I believe that I am the original, first and sole inventor (*if only one name is listed below*) or an original, first and joint inventor (*if plural names are listed below*) of the subject matter that is claimed, and for which a patent is sought on the invention entitled:

### TITLE OF INVENTION

AN IMPROVED PROCESS FOR THE STABILIZATION OF 2-ACETYL-1-PYRROLINE, THE BASMATI RICE FLAVOURANT

### SPECIFICATION IDENTIFICATION

the specification of which:

(complete (a), (b), or (c))

(a) ☐ is attached hereto.

**NOTE:** *"The following combinations of information supplied in an oath or declaration filed on the application filing date with a specification are acceptable as minimums for identifying a specification and compliance with any one of the items below will be accepted as complying with the identification requirement of 37 C.F.R. Section 1.63:*

*"(1) name of inventor(s), and reference to an attached specification which is both attached to the oath or declaration at the time of execution and submitted with the oath or declaration on filing;*

*"(2) name of inventor(s), and attorney docket number which was on the specification as filed; or*

*"(3) name of inventor(s), and title which was on the specification as filed."*

*Notice of July 13, 1995 (1177 O.G. 60).*

(b) ☐ was filed on JUNE 20, 2005, ☐ as Application No. 10/540,196  
☐ and was amended on \_\_\_\_\_ (if applicable).

**NOTE:** *Amendments filed after the original papers are deposited with the PTO that contain new matter are not accorded a filing date by being referred to in the declaration. Accordingly, the amendments involved are those filed with the application papers or, in the case of a supplemental declaration, are those amendments claiming matter not encompassed in the original statement of invention or claims. See 37 C.F.R. Section 1.67.*

**NOTE:** *"The following combinations of information supplied in an oath or declaration filed after the filing date are acceptable as minimums for identifying a specification and compliance with any one of the items below will be accepted as complying with the identification requirement of 37 C.F.R. Section 1.63:*

(A) *application number (consisting of the series code and the serial number, e.g., 08/123,456);*

(B) *serial number and filing date;*

(C) *attorney docket number which was on the specification as filed;*

(D) *title which was on the specification as filed and reference to an attached specification which is both attached to the oath or declaration at the time of execution and submitted with the oath or declaration; or*

(E) *title which was on the specification as filed and accompanied by a cover letter accurately identifying the application for which it was intended by either the application number (consisting of the series code and the serial number, e.g., 08/123,456), or serial number and filing date. Absent any statement(s) to the contrary, it will be presumed that the application filed in the PTO is the application which the inventor(s) executed by signing the oath or declaration.*

*M.P.E.P. § 602, 8th ed.*

- (c) [x] was described and claimed in PCT International Application No. IB2002/005529 filed on 20 December 2002 and as amended under PCT Article 19 on \_\_\_\_\_ (if any).

**SUPPLEMENTAL DECLARATION (37 C.F.R. Section 1.67(b))**

*(complete the following where a supplemental declaration is being submitted)*

[ ] I hereby declare that the subject matter of the

[ ] attached amendment

[ ] amendment filed on \_\_\_\_\_.

was part of my/our invention and was invented before the filing date of the original application, above identified, for such invention.

**ACKNOWLEDGMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR**

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information, which is material to patentability as defined in 37, Code of Federal Regulations, Section 1.56,

*(also check the following items, if desired)*

[x] and which is material to the examination of this application, namely, information where there is a substantial likelihood that a reasonable Examiner would consider it important in deciding whether to allow the application to issue as a patent, and

[ ] in compliance with this duty, there is attached an information disclosure statement, in accordance with 37 C.F.R. Section 1.98.

**PRIORITY CLAIM (35 U.S.C. Section 119(a)-(d))**

NOTE: 37 C.F.R. § 1.55 Claim for foreign priority.

*"(a) An applicant in a nonprovisional application may claim the benefit of the filing date of one or more prior foreign applications under the conditions specified in 35 U.S.C. 119(a) through (d) and (f), 172, and 365(a) and (b).*

*(1)(i) In an original application filed under 35 U.S.C. 111(a), the claim for priority must be presented during the pendency of the application, and within the later of four months from the actual filing date of the application or sixteen months from the filing date of the prior foreign application. This time period is not extendable. The claim must identify the foreign application for which priority is claimed, as well as any foreign application for the same subject matter and having a filing date before that of the application for which priority is claimed, by specifying the application number, country (or intellectual property authority), day, month, and year of its filing. The time period in this paragraph does not apply to an application for a design patent.*

*(ii) In an application that entered the national stage from an international application after compliance with 35 U.S.C. 371, the claim for priority must be made during the pendency of the application and within the time limit set forth in the PCT and the Regulations under the PCT."*

*(2) The claim for priority and the certified copy of the foreign application specified in 35 U.S.C. 119(b) or PCT Rule 17 must, in any event, be filed before the patent is granted. If the claim for priority or the certified copy of the foreign application is filed after the date the issue fee is paid, it must be accompanied by the processing fee set forth in § 1.17(i), but the patent will not include the priority claim unless corrected by a certificate of correction under 35 U.S.C. 255 and § 1.323.*

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119(a)-(d) of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed.

*(complete (d) or (e))*

- (d) ☒ no such applications have been filed.  
(e) ☐ such applications have been filed as follows.

**NOTE:** Where item (c) is entered above and the International Application which designated the U.S. itself claimed priority check item (e), enter the details below and make the priority claim.

**PRIOR FOREIGN/PCT APPLICATION(S) FILED WITHIN 12 MONTHS  
(6 MONTHS FOR DESIGN) PRIOR TO THIS APPLICATION  
AND ANY PRIORITY CLAIMS UNDER 35 U.S.C. SECTION 119(a)-(d)**

COUNTRY (OR INDICATE IF PCT)	APPLICATION NUMBER	DATE OF FILING DAY, MONTH, YEAR	PRIORITY CLAIMED UNDER 35 USC 119
			<input type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO

**CLAIM FOR BENEFIT OF PRIOR U.S. PROVISIONAL APPLICATION(S)**  
(35 U.S.C. Section 119(e))

**NOTE:** 35 U.S.C. 119(e)(1) requires that a nonprovisional application be filed within twelve months of the filing date of the provisional application for the nonprovisional application to claim the benefit of the filing date of the provisional application. Under 35 U.S.C. 21(b) and 119(e)(3), if this twelve-month period expires on a non-business day, it is extended to expire on the next business day.

I hereby claim the benefit under Title 35, United States Code, Section 119(e) of any United States provisional application(s) listed below:

**PROVISIONAL APPLICATION NUMBER**

10 / 540,196  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**FILING DATE**

JUNE 20, 2005  
\_\_\_\_\_  
\_\_\_\_\_

**CLAIM FOR BENEFIT OF EARLIER U.S./PCT APPLICATION(S)**  
**UNDER 35 U.S.C. SECTION 120**

[ ] The claim for the benefit of any such applications are set forth in the attached  
ADDED PAGES TO COMBINED DECLARATION AND POWER OF ATTORNEY  
FOR DIVISIONAL, CONTINUATION OR CONTINUATION-IN-PART (C-I-P)  
APPLICATION.

**ALL FOREIGN APPLICATION(S), IF ANY, FILED MORE THAN 12 MONTHS**  
**(6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**NOTE:** If the application filed more than 12 months from the filing date of this application is a PCT filing forming the basis for this application entering the United States as (1) the national stage, or (2) a continuation, divisional, or continuation-in-part, then also complete **ADDED PAGES TO COMBINED DECLARATION AND POWER OF ATTORNEY FOR DIVISIONAL, CONTINUATION OR C-I-P APPLICATION** for benefit of the prior U.S. or PCT application(s) under 35 U.S.C. Section 120.

**POWER OF ATTORNEY**

I hereby appoint the following practitioner(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

*(list name and registration number)*

JOSEPH H. HANDELMAN, 26179

JULIAN H. COHEN, 20302

JOHN RICHARDS, 31053

WILLIAM R. EVANS 25858

RICHARD J. STREIT, 25765

JANET I. CORD, 33778

PETER D. GALLOWAY, 27885

CLIFFORD J. MASS, 30086

RICHARD P. BERG, 28145

STEVEN I. WALLACH, 35402

*(Check the following item, if applicable)*

☒ I hereby appoint the practitioner(s) associated with the Customer Number provided above and below to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

Customer No. 00140

☐ Attached, as part of this declaration and power of attorney, is the authorization of the above-named practitioner(s) to accept and follow instructions from my representative(s).

*NOTE: "Special care should be taken in continuation or divisional applications to ensure that any change of correspondence address in a prior application is reflected in the continuation or divisional application. For example, where a copy of the oath or declaration from the prior application is submitted for a continuation or divisional application filed under 37 CFR 1.53(b) and the copy of the oath or declaration from the prior application designates an old correspondence address, the Office may not recognize, in the continuation or divisional application, the change of correspondence address made during the prosecution of the prior application. Applicant is required to identify the change of correspondence address in the continuation or divisional application to ensure that communications from the Office are mailed to the current correspondence address. 37 CFR 1.63(d)(4)." Section 601.03, M.P.E.P., 7th Ed*

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**SEND CORRESPONDENCE TO**

Customer No.:



**00140**

PATENT TRADEMARK OFFICE

**Ladas & Parry LLP  
26 West 61<sup>st</sup> Street  
New York, N.Y. 10023**

**DIRECT TELEPHONE CALLS TO:**  
(Name and telephone number)

William R. Evans  
(212) 708-1930

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*(complete the following if applicable)*

This is the filing of ☐ continuation ☐ divisional and there is attached hereto a Change of Correspondence Address so that there will be no question as to where the PTO should direct all correspondence.

**DECLARATION**

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

## SIGNATURE(S)

**NOTE:** Carefully indicate the family (or last) name, as it should appear on the filing receipt and all other document.

**NOTE:** Each inventor must be identified by full name, including the family name, and at least one given name without abbreviation together with any other given name or initial, and by his/her residence, post office address and country of citizenship. 37 C.F.R. Section 1.63(a)(3).

**NOTE:** Inventors may execute separate declarations/oaths provided each declaration/oath sets forth all the inventors. Section 1.63(a)(3) requires that a declaration/oath, inter alia, identify each inventor and prohibits the execution of separate declarations/oaths which each sets forth only the name of the executing inventor. 62 Fed. Reg. 53,131, 53,142, October 10, 1997,

### Full name of sole or first inventor

Pullabhatla SRINIVAS  
(Given Name) (Middle Initial or Name) Family (Or Last Name)  
Inventor's signature (x) Srinivas  
Date (x) 27/10/05 Country of Citizenship India  
Residence Mysore, Karnataka, India  
Post Office Address c/o Central Food and Technological Research Institute, Mysore, Karnataka  
570 013, India

### Full name of second joint inventor, if any

Guruguntla SULOCHANAMMA  
(Given Name) (Middle Initial or Name) Family (Or Last Name)  
Inventor's signature (x) G. Sulochanamma  
Date (x) 27.10.2005 Country of Citizenship India  
Residence Mysore, Karnataka, India  
Post Office Address c/o Central Food and Technological Research Institute, Mysore, Karnataka  
570 013, India

### Full name of third joint inventor, if any

Bashyam RAGHAVAN  
(Given Name) (Middle Initial or Name) Family (Or Last Name)  
Inventor's signature (x) Bashyam  
Date (x) 27.10.2005 Country of Citizenship India  
Residence Mysore, Karnataka, India  
Post Office Address c/o Central Food and Technological Research Institute, Mysore, Karnataka  
570 013, India

*(check proper box(es) for any of the following added page(s)  
that form a part of this declaration)*

☒ **Signature** for fourth and subsequent joint inventors. *Number of pages added*   1  

\* \* \*

☐ **Signature** by administrator(trix), executor(trix) or legal representative for deceased or incapacitated inventor. *Number of pages added* \_\_\_\_\_

\* \* \*

☐ **Signature** for inventor who refuses to sign or cannot be reached by person authorized under 37 C.F.R. Section 1.47. *Number of pages added* \_\_\_\_\_

\* \* \*

☐ Added page for **signature** by one joint inventor on behalf of deceased inventor(s) where legal representative cannot be appointed in time. (37 C.F.R. Section 1.47)

\* \* \*

☐ Added pages to combined declaration and power of attorney for divisional, continuation, or continuation-in-part (C-I-P) application.

☐ Number of pages added \_\_\_\_\_

\* \* \*

☐ Authorization of practitioner(s) to accept and follow instructions from representative.

*(If no further pages form a part of this Declaration,  
then end this Declaration with this page and check the following item)*

☐ This declaration ends with this page.



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**ADDED PAGE TO COMBINED DECLARATION AND POWER OF  
ATTORNEY FOR SIGNATURE BY FOURTH AND SUBSEQUENT INVENTORS**

Full name of fourth joint inventor, if any

Kambadoor  
(Given Name)

Nagaraj Rao  
(Middle Initial or Name)

GURUDUTT  
Family (Or Last Name)

Inventor's signature (x)

*Ka Nagaraj Rao*

Date (x) 27.10.2003

Country of Citizenship India

Residence Mysore, Karnataka, India

Post Office Address c/o Central Food and Technological Research Institute, Mysore, Karnataka  
570 013, India

---

Full name of fifth joint inventor, if any

\_\_\_\_\_  
(Given Name)

\_\_\_\_\_  
(Middle Initial or Name)

\_\_\_\_\_  
Family (Or Last Name)

Inventor's signature \_\_\_\_\_

Date \_\_\_\_\_ Country of Citizenship \_\_\_\_\_

Residence \_\_\_\_\_

Post Office Address \_\_\_\_\_

---

Full name of sixth joint inventor, if any

\_\_\_\_\_  
(Given Name)

\_\_\_\_\_  
(Middle Initial or Name)

\_\_\_\_\_  
Family (Or Last Name)

Inventor's signature \_\_\_\_\_

Date \_\_\_\_\_ Country of Citizenship \_\_\_\_\_

Residence \_\_\_\_\_

Post Office Address \_\_\_\_\_

For: ☐ U.S. and/or ☐ Foreign Rights  
For: ☒ U.S. Application or  
☐ U.S. Provisional Application  
For: ☐ U.S. Patent  
For: ☐ PCT Application  
By: Multiple Inventors

### ASSIGNMENT OF INVENTION (MULTIPLE INVENTORS)

In consideration of the payment by ASSIGNEE to ASSIGNOR of the sum of One Dollar (\$1.00), the receipt of which is hereby acknowledged, and for other good and valuable consideration,

**ASSIGNORS (Inventors):**

<u>Pullabhatla SRINIVAS</u>	<u>c /o Central Food and Technological Research Institute</u>
<i>(type or print name of inventors)</i>	<u>Mysore, Karnataka 570 013, India</u>
	<u>Address</u> <u>Indian</u>
	<u>Nationality</u>
<u>Guruguntla SULOCHANAMMA</u>	<u>c/o Central Food and Technological Research Institute</u>
	<u>Mysore, Karnataka 570 013, India</u>
	<u>Address</u> <u>Indian</u>
	<u>Nationality</u>
<u>Bashyam RAGHAVAN</u>	<u>c/o Central Food and Technological Research Institute</u>
	<u>Mysore, Karnataka 570 013, India</u>
	<u>Address</u> <u>Indian</u>
	<u>Nationality</u>
<u>Kambadoor Nagarajarao GURUDUTT</u>	<u>c/o Central Food and Technological Research Institute</u>
	<u>Mysore, Karnataka 570 013, India</u>
	<u>Address</u> <u>Indian</u>
	<u>Nationality</u>
	<u>Address</u>
	<u>Nationality</u>

Added page(s) for signature by subsequent inventors. Number of pages added



(if assignment is by person or entity to whom invention was previously assigned  
and this was recorded in PTO, add the following)

Recorded on \_\_\_\_\_

Reel \_\_\_\_\_

Frame \_\_\_\_\_

hereby sells, assigns and transfers to

ASSIGNEE

COUNCIL OF SCIENTIFIC  
AND INDUSTRIAL RESEARCH

(type or print name of ASSIGNEE)

Rafi Marg

Address

Indian

Nationality

New Delhi, 110 001 India

and the successors, assigns and legal representatives of the ASSIGNEE

(complete one of the following)

- ☒ the entire right, title and interest  
☐ an undivided \_\_\_\_\_ percent ( \_\_\_\_\_ %) right, title and interest  
for the United States and its territorial possessions

(check the following box, if foreign rights are also to be assigned)

☒ and in all foreign countries, including all rights to claim priority, in and to any and all  
improvements which are disclosed in the invention entitled:  
AN IMPROVED PROCESS FOR THE STABILIZATION OF 2-ACETYL-1-PYRROLINE, THE  
BASMATI RICE FLAVOURANT

Name of inventor(s) Pullabhatla SRINIVAS; Guruguntla SULOCHANAMMA;

Bashyam RAGHAVAN and Kambadoor Nagarajaraao GURUDUTT

(check and complete (a), (b), (c), (d), (e), (f) or (g))

and which is found in (37 C.F.R. 3.21)

- (a) ☐ Not yet filed U.S. patent application executed on even date herewith  
(b) ☐ Not yet filed U.S. patent application executed on \_\_\_\_\_  
(c) ☐ Not yet filed U.S. provisional application naming the above inventor(s) for  
the above-entitled invention  
☐ To comply with 37 C.F.R. 3.21 for recordal of this assignment, I, an  
ASSIGNOR signing below, hereby authorize and request my  
attorney to insert below the filing date and application number when  
they become known.  
(d) ☐ U.S. patent application no. \_\_\_\_\_  
filed on \_\_\_\_\_  
(e) ☒ International application no. PCT/IB02/05529  
(f) ☐ U.S. patent no. \_\_\_\_\_ issued \_\_\_\_\_  
☐ A change of address to which correspondence is to be sent regarding  
patent maintenance fees is being sent separately.

(also check (g), if foreign application(s) is also being assigned)

- (g) ☐ and any legal equivalent thereof in a foreign country, including the right to claim priority

and, in and to, all Letters Patent to be obtained for said invention by the above application or any continuation, division, renewal, or substitute thereof, and as to letters patent any reissue or re-examination thereof.

ASSIGNOR hereby covenants that no assignment, sale, agreement or encumbrance has been or will be made or entered into which would conflict with this assignment.

ASSIGNOR further covenants that ASSIGNEE will, upon its request, be provided promptly with all pertinent facts and documents relating to said invention and said Letters Patent and legal equivalents as may be known and accessible to ASSIGNOR and will testify as to the same in any interference, litigation or proceeding related thereto and will promptly execute and deliver to ASSIGNEE or its legal representatives any and all papers, instruments or affidavits required to apply for, obtain, maintain, issue and enforce said application, said invention and said Letters Patent and said equivalents thereof which may be necessary or desirable to carry out the purposes thereof.

IN WITNESS WHEREOF, We have hereunto set hand and seal


**WARNING:** The date of signing must be the same as the date of execution of the application, if item (a) was checked above.

Pullabhatla SRINIVAS  
(type name of Assignor)

(x)   
Signature of ASSIGNOR

this (x) 27.10.2005  
date of signing

Guruguntla SULOCHANAMMA  
(type name of Assignor)

(x)   
Signature of ASSIGNOR

this (x) 27.10.2005  
date of signing

Bashyam RAGHAVAN  
(type name of Assignor)

(x)   
Signature of ASSIGNOR

this (x) 27.10.2005  
date of signing

Kambadoor Nagarajaraao GURUDUTT  
(type name of Assignor)

(x)   
Signature of ASSIGNOR

this (x) 27.10.2005  
date of signing

\_\_\_\_\_  
(type name of Assignor)

\_\_\_\_\_  
Signature of ASSIGNOR

this \_\_\_\_\_  
date of signing

(if ASSIGNOR is a legal entity, complete the following information)

\_\_\_\_\_  
(type or print the name of the above person  
authorized to sign on behalf of ASSIGNOR)

\_\_\_\_\_  
Title

**NOTE:** No witnessing, notarization or legalization is necessary. If the assignment is notarized or legalized then it will only be prima facie evidence of execution. 35 USC 261. Use next page if notarization is desired.

☐ Notarization or Legalization Page Added.

**NOTE:** 37 C.F.R. 1.98(b):

- (1) Each U.S. patent listed in an information disclosure statement must be identified by inventor, patent number, and issue date.
- (2) Each U.S. patent application published listed in an information disclosure statement shall be identified by applicant, patent application publication number, and publication date.
- (3) Each U.S. application listed in an information disclosure statement must be identified by the inventor, application number, and filing date.
- (4) Each foreign patent or published foreign patent application listed in an information disclosure statement must be identified by the country or patent office which issued the patent or published the application, an appropriate document number, and the publication date indicated on the patent or published application.
- (5) Each publication listed in an information disclosure statement must be identified by publisher, author (if any), title, relevant pages of the publication, date, and place of publication.

**WARNING:** No extension of time can be had under 37 C.F.R. § 1.36 (a) or (b) for filing an IDS. 37 C.F.R. § 1.97(f).

**NOTE:** The "filing date of a national application" under 37 C.F.R. 1.97(b) has two possible meanings. Where the filing is a direct one to the United States Patent & Trademark office, the filing is defined in 37 C.F.R. 1.53(b) as "the date on which: (1) A specification containing a description pursuant to § 1.71 and at least one claim pursuant to § 1.75; and (2) any drawing required by § 1.81(a), are filed in the Patent and Trademark Office in the name of the actual inventor or inventors as required by § 1.41." 37 C.F.R. 1.97(b)(1). On the other hand, an international application that enters the national stage occurs when the applicant has filed the documents and fees required by 35 U.S.C. § 371(c) within the periods set forth in § 1.494 or § 1.495. 35 U.S.C. § 371(c) requires the filing of the following: (1) the national fee; (2) a copy of the international application, unless already sent by the International Bureau, and an English translation if filed in another language; (3) amendments under PCT Article 19, with a translation into English if made in another language; (4) an oath or declaration; and (5) a translation into English of any annexes to the international preliminary examination report, if such annexes were made in another language. 37 C.F.R. 1.97(b)(2).

## **IDENTIFICATION OF TIME OF FILING THE ACCOMPANYING INFORMATION DISCLOSURE STATEMENT**

The information disclosure statement submitted herewith is being filed within three months of the filing date of the application or date of entry into the national stage of an international application or before the mailing date of a first Office action on the merits, whichever event occurs last. 37 C.F.R. 1.97(b).

**NOTE:** "No certification or fee is due when the filing is made within the above time period. It is advisable to ensure that no Office action has been mailed if the disclosure statement is delayed until after three months from filing."

**NOTE:** "An information disclosure statement will be considered to have been filed on the day it was received in the Office, or on an earlier date of a mailing if accompanied by a properly executed certificate of mailing under 37 C.F.R. 1.8, or Express Mail certificate under 37 C.F.R. 1.10. An office action is mailed on the date indicated in the Office action." Notice of April 20, 1992 (1138 O.G. 37-41, 39).

**NOTE:** "The term 'national application' includes continuing applications (continuations, divisions, continuations-in-part) so three-months will be measured from the actual filing date of an application as opposed [sic] to the effective date of a continuing application." Notice of April 20, 1992 (1138 O.G. 37-41, 39).

**NOTE:** "An action on the merits means an action which treats the patentability of the claims in an application, as opposed to only formal or procedural requirements. An action on the merits would, for example, contain a rejection or indication of allowability of a claim or claims rather than just a restriction requirements (37 C.F.R. 1.142) or just a requirement for additional fees to have a claim considered (37 C.F.R. 1.16(d)). Thus, if an application was filed on Jan. 1 and the first Office action on the merits was not mailed until six months later on July 1, the examiner would be required to consider any proper information disclosure statement filed prior to July 1." Notice of April 20, 1992 (1138 O.G. 37-41, 39).

**WARNING:** "A petition for suspension of action to allow applicant time to submit an information disclosure statement will be denied as failing to present good and sufficient reasons, since 37 C.F.R. 1.97 provides adequate recourse for the timely submission of prior art for consideration by the examiner." Notice of July 6, 1992 (1141 O.G. 63). But see § 103(b) and (c), limited suspension of action in a continued prosecution application (CPA) filed under § 1.53(d) and in a request for continued examination (RCE) under § 1.114.

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